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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 Scott Wesley Humphreys,

9 Plaintiff,

10 v.

11 Burgher, et al.,

12 Defendants.

CASE NO. 3:18-cv-05736-RJB-JRC

ORDER ON MOTION FOR
PROTECTIVE ORDER

13 Plaintiff, proceeding *pro se* and *in forma pauperis*, initiated this action pursuant to 42
14 U.S.C. § 1983. Presently pending before the Court is plaintiff's motion for protective order. Dkt.
15 54. Defendants filed a response. Dkt. 55.

16 In the motion, plaintiff states "[t]his motion is pursuant to the equal protection clause of
17 the Fourteenth Amendment." Dkt. 54 at 1. Plaintiff states that he was threatened with a transfer.
18 It appears that plaintiff is requesting a protective order to prevent defendants from transferring
19 him to another facility. Dkt. 54. Attached to his motion, plaintiff filed grievances related to a
20 disciplinary hearing on June 11, 2019. Dkt. 54 at 3-5.

21 The Court has broad discretionary powers to control discovery. *Little v. City of Seattle*,
22 863 F.2d 681, 685 (9th Cir. 1988). Upon showing of good cause, the Court may deny or limit
23 discovery "to protect a party or person from annoyance, embarrassment, oppression, or undue
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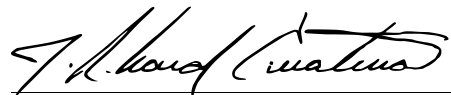
1 | burden or expense[.]” Fed. R. Civ. P. 26(c); *see also GTE Wireless, Inc. v. Qualcomm, Inc.*, 192
2 | F.R.D. 284, 285–86 (S.D. Cal. 2000).

3 | Discovery has not yet started in this case, and currently pending before the Court is
4 | defendants’ motion to dismiss. *See* Dkt. 44. In the motion, plaintiff does not allege any facts
5 | which would warrant a protective order. Dkt. 54. There appears to be no relationship between
6 | plaintiff’s complaint in this case and his request for protective order. Therefore, at this time, the
7 | Court that the motion is premature.

8 | The Court also notes that prisoners have no liberty interest in avoiding being transferred
9 | to another prison, *see Olim v. Wakinekona*, 461 U.S. 238, 245 (1983), and it appears that the
10 | allegations in his motion and attached grievances arose after he filed this lawsuit and are not
11 | related to this matter, *see* Dkt. 21. To the extent that plaintiff attempts to raise a new
12 | constitutional claim, plaintiff is advised that if he seeks to raise claims that occurred after he
13 | filed this case, he must file a separate complaint.

14 | Accordingly, plaintiff’s motion for protective order (Dkt. 54) is denied without prejudice.

15 | Dated this 5th day of August, 2019.

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18 | J. Richard Creatura
19 | United States Magistrate Judge